



Maryland Association for Justice, Inc.

2021 Position Paper

HB 378

Local Government Tort Claims Act – Definition of Local Government

UNFAVORABLE

The Maryland Association for Justice, Inc. (MAJ) represents over 1,200 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system and the protection of the rights of consumers.

The Maryland Association for Justice historically opposes most legislation that offer immunity from civil liability as well as monetary caps on civil liability recovery.

HB 378 would expand the definition of “Local Government” under the Courts and Judicial Proceedings Article, Section 5-301 to include the Maryland Association of Counties Pooled OPEB Trust Fund (“the fund”). In other words, HB 378 seeks to limit the liability of the MACo OPEB Fund to \$400,000 per individual claim and \$800,000 per total claims that arise from the same occurrence for damages from tortious acts or omissions (including intentional and constitutional torts).

From the Fiscal Note of HB 378 (page 2), the analysis advises that its inclusion under LGTCA will “minimally” decrease the fund’s insurance costs and reduce its future exposure to liability as it serves its members who may not have sufficient investments to merit establishing their own trusts with the necessary investment advisors and other associated personnel, services, and requirements.

MAJ opposes limiting the rights of recovery of potential victims for the sole purpose of “minimal” cost savings.

MAJ respectfully urges an Unfavorable Report on HB378